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ORIGINAL
FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10
11 SANDISK CORPORATION, a Delaware
corporation,

12 Plaintiff,

13 v.

14 STMICROELECTRONICS, INC., a Delaware
15 corporation, STMICROELECTRONICS NV, a
Dutch company and DOES I to X;

16 Defendants.

C 05 05021 CASE NO.: JL

) COMPLAINT FOR PATENT
INFRINGEMENT

) DEMAND FOR JURY TRIAL

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21 SanDisk Corporation (“SanDisk”) hereby alleges for its Complaint against defendants
22 STMicroelectronics, Inc. and STMicroelectronics NV on personal knowledge as to its own
23 actions and on information and belief as to the actions of others, as follows:

24 **THE PARTIES**

25 1. Plaintiff SanDisk is a Delaware corporation with its principal place of business in
26 Sunnyvale, California. SanDisk, the world’s largest supplier of flash data storage products, is in
27 the business of designing, manufacturing and marketing such data storage products using
28 patented, high density flash memory and controller technology.

2. Defendant STMicroelectronics, Inc. is a Delaware corporation with its principal place of business at 1310 Electronics Drive, Carrollton, Texas 75006. STMicroelectronics, Inc. is a wholly-owned subsidiary of STMicroelectronics NV. STMicroelectronics, Inc. designs, manufactures, markets, and sells semiconductors, including flash memory products.

3. Defendant STMicroelectronics NV is organized under the laws of the Netherlands with its principal place of business at 39, Chemin du Champ des Filles, C. P. 21, CH 1228 Plan-Les-Ouates, Geneva, Switzerland. STMicroelectronics NV designs, manufactures, markets, and sells semiconductors, including flash memory products.

9 4. Defendants STMicroelectronics, Inc. and STMicroelectronics NV are collectively
10 referred to herein as "ST."

JURISDICTION AND VENUE

13 5. This Court has subject matter jurisdiction of this action pursuant to 28 U.S.C. §§
14 1331 and 1338(a), because this action involves a claim arising under the patent laws of the
15 United States, 35 U.S.C. § 1, et seq.

16 6. This Court has personal jurisdiction over Defendants in that each has established
17 minimum contacts with the forum. Each Defendant designs, develops, manufactures, fabricates,
18 demonstrates, tests, uses and/or assembles electronic devices that have been used, offered for
19 sale, sold, and/or purchased in California.

20 7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and
21 1400(b), in that ST has committed acts of infringement in this judicial district and a substantial
22 part of the events giving rise to this action occurred in this judicial district.

INTRADISTRICT ASSIGNMENT

8. Assignment to the San Jose Division of California is proper under Northern District Local Rules 3-2(c) and 3-5(b) because plaintiff SanDisk resides in Santa Clara County, California, and a substantial part of the events giving rise to this action occurred in Santa Clara County.

CAUSE OF ACTION

9. SanDisk repeats and realleges the allegations of paragraphs 1 through 8 in their entirety.

4 10. On November 23, 1999, the United States Patent and Trademark Office
5 ("USPTO") duly and legally issued U.S. Patent No. 5,991,517, entitled "Flash EEPROM System
6 With Cell by Cell Programming Verification," to Eliyahou Harari, Robert D. Norman, and
7 Sanjay Mehrotra (the "517 patent"). At all relevant times, SanDisk has been the owner, by valid
8 assignment, of all right, title, and interest in and to the '517 patent. A copy of the '517 patent is
9 attached to the Complaint as Exhibit A.

10 11. ST has infringed and is continuing to infringe the ‘517 patent, directly,
11 contributorily, and/or by inducement, in violation of 35 U.S.C. § 271.

12 12. ST has notice that it is manufacturing, using, and/or selling products that infringe
13 the '517 patent. Despite such notice, ST has continued to willfully infringe the '517 patent by
14 making, using, offering for sale and/or selling within, and/or importing into, the United States
15 devices that embody or practice the invention disclosed and claimed in the '517 patent.

16 13. Unless enjoined by this Court, ST will continue to infringe the '517 patent, and
17 SanDisk will continue to suffer irreparable harm for which there is no adequate remedy at law.
18 Accordingly, SanDisk is entitled to preliminary and/or injunctive relief against such infringement
19 pursuant to 35 U.S.C. § 283.

20 14. As a result of ST's infringement of the '517 patent, SanDisk has been and will
21 continue to be injured in its business and property rights, and is entitled to recover damages for
22 such injuries pursuant to 35 U.S.C. § 284 in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, plaintiff SanDisk requests entry of judgment in its favor and against ST as follows:

- 4 a. Declaring that the '517 patent is valid and enforceable;

5 b. Declaring that ST has infringed one or more claims of the '517 patent;

6 c. Preliminarily and/or permanently enjoining ST and its officers, agents, servants,

7 employees and attorneys, and all persons acting in active concert or participation with it, from

8 further infringing, contributing to and/or inducing the infringement of the '517 patent, in

9 accordance with 35 U.S.C. § 283;

10 d. Awarding SanDisk damages in an amount adequate to compensate SanDisk for

11 ST's infringement, in accordance with 35 U.S.C. § 284;

12 e. Awarding SanDisk treble damages in view of the reckless, willful, and deliberate

13 nature of ST's infringement, pursuant to 35 U.S.C. § 284; and

14 f. Awarding SanDisk costs and reasonable attorneys fees, in accordance with 35

15 U.S.C. § 285.

17 | Dated: December 6, 2005

**WILSON SONSINI GOODRICH & ROSATI
Professional Corporation**

By:

James C. Yoon

Attorneys for Plaintiff
SANDISK CORPORATION

1 **CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

2 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the
3 named parties, there is no such interest to report.

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5 Dated: December 6, 2005

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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7 By: 
8 James C. Yoon

9 Attorneys for Plaintiff
10 SANDISK CORPORATION

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